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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,890	09/29/2003	Paul Snyder	END920030094US1	8007
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EXAMINER KAWSAR, ABDULLAH AL				
ART UNIT 2195		PAPER NUMBER		
NOTIFICATION DATE 11/20/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/671,890

Applicant(s)

SNYDER, PAUL

Examiner

ABDULLAH AL KAWSAR

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 and 3-49 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Maso et al.(Maso) US Patent Publication 2003/0061265, in view of Fraenkel et al.(Fraenkel) US Patent No. 6738933.
3. As per claim 1, Maso teaches the invention substantially as claimed including a method for managing a transaction processing system(par. 0082), the method comprising:
 - defining at least one criterion including all of: a system level criterion, and a workload characteristic using a server(par. 0089; par. 0021, 0022, 0023);
 - defining at least one threshold metric for each of the at least one criterion using the server (par. 0089, lines 7-12);
 - defining at least one trigger action in response to the at least one threshold metric using the server (par. 0036); and
 - performing the at least one trigger action in response to the at least one threshold metric being met using the server (par. 0097, lines 1-3); and

Maso does not specifically disclose criterion including a transaction level criterion, a multi-transactional level criterion; implementing an interval criterion matrix using the server, wherein the interval criterion matrix is a source of configurable data and is created by an administrator or accessed from a pre-built electronic source (par. 0054).

However Fraenkel teaches criterion including a transaction level criterion, a multi-transactional level criterion (col 18, table 1, “transactions”, lines 22-25; col 31, lines 1-16; lines 30-33; lines 55-62);

implementing an interval criterion matrix using the server, wherein the interval criterion matrix is a source of configurable data and is created by an administrator or accessed from a pre-built electronic source (col 3, lines 1-43; lines 62-67 through col 4, lines 1-10; lines 46-62; col 25, lines 21-29).

4. It would have been obvious to a person of ordinary skill in art at the time of invention was made to incorporate the teaching of Fraenkel into the method of Maso to have transaction including transaction level criterion, multi-transactional criterion and interval criterion matrix data created by an administrator. The modification would have been obvious because one of the ordinary skills of the art modify the teaching of Maso to include transaction level criterion, multi-transactional level criterion to have a better system performance measurement and to have customized interval as source data to be able to perform system management based on user preference and environmental needs.

5. As per claim 3, Maso teaches defining at least one trigger action step includes defining at least one of a system level trigger action and a transaction level trigger action (par. 0022; par. 0036).
6. As per claim 4, Maso teaches at least one criterion includes at least one of a processor utilization characteristic, memory utilization characteristic, an input/output characteristic, a storage characteristic, and a network interface characteristic (par. 0125, lines 6-10).
7. As per claim 5, Maso teaches defining at least one threshold metric includes defining at least one of a single and a progressive variable relative to a measurement of an aspect of the transaction processing system (par. 0052; par. 0128, lines 1-4).
8. As per claim 6, Maso teaches including repeating each of the steps at predefined intervals (par. 0012, lines 13-15).
9. As per claim 7, Maso teaches at least one trigger action includes at least one of changing the priority of a transaction, terminating a transaction, delaying a transaction, quiescing a transaction, causing another system to stop forwarding transactions, triggering routing of transactions to a different system, and ending a process(par. 00128, lines 4-8).
10. As per claim 8, Fraenkel teaches defining at least one transaction identifier that identifies subsets of transactions (col 12, lines 36-45); and

defining at least one transaction level threshold metric associated with the at least one transaction identifier (col 18, table 1, “transactions”, lines 22-25).

11. As per claim 9, Fraenkel teaches performing step performs the at least one trigger action on a transaction associated with the at least one transaction identifier (col 18, table 1, “Alarms”, lines 37-40).

12. As per claim 10, Fraenkel teaches performing step performs when the at least one transaction level threshold metric is met (col 11, lines 50-66).

13. As per claim 11, Fraenkel teaches defining a system level threshold metric(col 26, table 2); and

associating the system level threshold metric with the at least one transaction identifier and with the at least one transaction level threshold metric (col 4, lines 54-62; figure 22, 23, 24; col 18, table 1; col 21, lines 17-57; col 25, lines 21- 67 through col 26, lines 1-9; col 28, lines 8-19).

14. As per claim 12, Fraenkel teaches the performing step is only performed when both the system level threshold metric and the transaction level threshold metric are met (col 25, lines 45-67 through col 26, lines 1-2; col 46, lines 5-11).

15. As per claim 13, Fraenkel teaches defining at least one transaction identifier includes defining a transaction group identifier (col 12, lines 36-45).

16. As per claim 14, Fraenkel teaches defining at least one threshold metric defines a transaction group level metric (col 15, lines 6-11).

17. As per claim 15, Maso teaches loading runtime parameters(par. 129, lines 1-8);
validating the runtime parameters(par. 0130, lines 1-4); and
terminating processing if the parameters are deemed unacceptable(par. 0130, lines 4-5).

18. As per claim 16, Fraenkel teaches acquiring a transaction list of currently executing transactions (figure 16, col 17, lines 20-23);
collecting details for each of the currently executing transactions(figure 16; col 29, lines 2-8) ;
evaluating transaction details against the interval criterion matrix which further defines thresholds associated with the currently executing transactions (col 17, lines 26-30; col 29, lines 8-14); and
performing actions when the evaluation step determines a threshold has been met(col 11, lines 2-13).

19. As per claim 17, Fraenkel teaches acquiring a list of aggregate transaction groups (col 3, lines 24-40; col 4, lines 54-60);

collecting details for each aggregate transaction group (col 4, lines 50-54);
evaluating each aggregated transaction group details against the interval criterion matrix which further defines thresholds associated with each aggregated transaction group (col 4, lines 54-60; col 31, lines 55-62); and
performing actions when the evaluation step determines a threshold has been met (col 11, lines 2-13).

20. As per claim 18, Maso teaches comprising collecting data on the status of the transaction processing system, wherein the collecting is performed by one of executable collection logic and interpretable definitions (par. 0142).

21. As per claim 19, Maso teaches the invention substantially as claimed including a method of managing a system, comprising the steps of:

determining current conditions of a workload characteristic using a server (par. 0089, lines 1-7);

evaluating the current conditions of the workload characteristic using the server (par. 0089; lines 7-12; par 0097, lines 1-7) and

dynamically adjusting system administration criteria based on a threshold metric associated with the current conditions of the workload characteristic using the server; and (par. 0089; 0097).

Maso does not specifically disclose implementing an interval criterion matrix using the server, wherein the interval criterion matrix is a source of configurable data and is created by an administrator or accessed from a pre-built electronic source (par. 0054).

However Fraenkel teaches disclose implementing an interval criterion matrix using the server, wherein the interval criterion matrix is a source of configurable data and is created by an administrator or accessed from a pre-built electronic source (col 3, lines 1-43; lines 62-67 through col 4, lines 1-10; lines 46-62; col 25, lines 21-29).

22. As per claim 20, Maso teaches the workload characteristic is at least one of a transaction workload characteristic and a system environment workload characteristic (par. 0022).

23. As per claim 21, Fraenkel teaches the workload characteristic is a transaction processing system characteristic (abstract, lines 3-7).

24. As per claim 22, it has similar limitations as of 7 above. Therefore it is rejected under the same rational as of claim 7 above.

25. As per claim 23, it has similar limitations of combinations of claims 8 and 11 above. Therefore it is rejected under the same rational as of combination of claims 8 and 11 above.

26. As per claim 24 and 25, they have similar limitations as of claims 12 and 10 above. Therefore they are rejected under the same rational as or claims 12 and 10 above.

27. As per claim 26, Maso teaches the invention substantially as claimed including a system for managing a transaction processing system(par. 0082), the system comprising:

a means for defining at least one criterion including all of: a system level criterion, and a workload characteristic of the transaction processing system(par. 0089; par. 0021, 0022, 0023);

a means for defining at least one threshold metric for each of the at least one criterion (par. 0089, lines 7-12);

a means for defining at least one trigger action in response to the at least one threshold metric (par. 0036); and

Maso does not specifically disclose criterion including a transaction level criterion, a multi-transactional level criterion; implementing an interval criterion matrix using the server, wherein the interval criterion matrix is a source of configurable data and is created by an administrator or accessed from a pre-built electronic source (par. 0054).

However Fraenkel teaches criterion including a transaction level criterion, a multi-transactional level criterion (col 18, table 1, “transactions”, lines 22-25; col 31, lines 1-16; lines 30-33; lines 55-62);

However Fraenkel teaches disclose implementing an interval criterion matrix using the server, wherein the interval criterion matrix is a source of configurable data and is created by an administrator or accessed from a pre-built electronic source (col 3, lines 1-43; lines 62-67 through col 4, lines 1-10; lines 46-62; col 25, lines 21-29).

28. As per claims 28, it has similar limitations as of claim 15 above. Therefore it is rejected under the same rational as of claim 15 above.

29. As per claim 27 and 29, they have similar limitations as of claims 23 and 16 above. Therefore it is rejected under the same rational as of claims 23 and 16 above.

30. As per claim 30, Fraenkel teaches a criterion matrix, wherein the criterion matrix comprises:

- a system level metric entry that provides a system level threshold for a system level workload characteristic(col 26, table 2);

- a transaction identifier entry that provides an identification for one of a transaction and a transaction group(col 12, lines 36-45);

- a transaction level metric entry that provides a transaction level threshold for transaction type defined by the transaction identifier(col 18, table 1, "transactions", lines 22-25); and

- a facility action entry for identifying logic to be executed if at least one of the system level threshold and the transaction level threshold is met (col 46, lines 5-23).

31. As per claim 31, Fraenkel teaches a means for performing the at least one trigger action in response to the at least one threshold metric being met (col 11, lines 2-13).

32. As per claims 32, 33 and 35, they have similar limitations as of claim 19, 20 and 7 above. Therefore they are rejected under the same rational as of claim 19, 20 and 7 above.

33. As per claim 34, 37 and 38, they have similar limitations as of claims 21, 12 and 10 above. Therefore they are rejected under the same rational as or claims 21, 12 and 10 above.

34. As per claim 36, it has similar limitations of combinations of claims 8 and 11 above. Therefore it is rejected under the same rational as of combination of claims 8 and 11 above.

35. As per claim 39, it has similar limitations as of claim 1 above. Therefore it is rejected under the same rational as of claim 1 above.

36. As per claim 40, Fraenkel teaches wherein the workload characteristic is in a pre-provided list of characteristics configured to be assessed by a facility (col 18, lines 48-53).

37. As per claim 41, Fraenkel teaches wherein each aggregated transaction group is built and administered by an administrator (col 13, lines 55-65).

38. As per claim 42, Fraenkel teaches wherein each aggregated transaction group is pre-built and obtained from an electronic source (col 12, lines 5-35).

39. As per claim 43, Fraenkel teaches wherein the system level criterion is dynamically evaluated based upon system-level health characteristics (col 4, lines 46-62; col 5, lines 10-27; col 21, lines 17-57).

40. As per claim 44, Fraenkel teaches wherein the transactional level criterion is dynamically evaluated based upon transaction-specific characteristics (col 4, lines 46-62; col 5, lines 10-27; col 16, lines 23-30).

41. As per claim 45, Fraenkel teaches wherein the multi-transactional level criterion is dynamically evaluated based upon transaction-specific characteristics (col 4, lines 46-62; col 5, lines 10-27; col 16, lines 23-30; col 17, table 1; figure 16).

42. As per claim 46, Fraenkel teaches wherein the facility is a software extension of the transaction processing system (col 1, lines 16-17; col 2, lines 47-65).

43. As per claim 47, Fraenkel teaches evaluating the system level criterion from an interval criterion data source (col 4, lines 45-62);

checking whether the system level criterion evaluation results in a required action (col 3, lines 62-65);

determining whether there are additional system level criterion evaluations to be performed (col 4, lines 63-67 through col 5, lines 1-19); and

carrying out the required action, which is defined by the interval criterion data source, using logic of an interval criterion action (col 3, lines 62-67).

44. As per claim 48, Fraenkel teaches wherein the interval criterion action includes informing a peer server that a triggering server is available to accept work, alerting a remote operator of an anomalous condition, or triggering a diagnostic trace on a storage area network unit (col 21, lines 13-40; col 3, lines 1-22; col 25, lines 21-29; col 39, table 6; col 46, lines 5-22).

45. As per claim 49, Maso teaches using an interval controller to halt processing for a set period of time, act upon various timers which change based upon results of scan cycles, and resume processing based upon one or more system characteristics (par. 0012).

Response to Arguments

46. Applicant's arguments filed 08/24/2009 have been fully considered but they are not persuasive.

47. In the remarks applicant argues:

- (1) Fraenkel fails to teach “implementing an interval criterion matrix using the server, wherein the interval criterion matrix is a source of configurable data and is created by an administrator or accessed from a pre-built electronic source”.
- (2) Maso and Fraenkel fail to teach including all of: a system level criterion, a transaction level criterion, a multi-transactional level criterion and a workload characteristic using a server.

Examiner respectfully disagree with applicant remarks.

i. As to point (1), applicant supports his argument mentioning that Fraenkel fail to teach the limitation “implementing an interval criterion matrix using the server, wherein the interval criterion matrix is a source of configurable data and is created by an administrator or accessed from a pre-built electronic source”. Examiner respectfully disagrees with the applicant. The limitation interval criterion matrix and only defines that it includes source of configurable data and does not disclose what is a source of configurable data that is included in the interval matrix. Applicant cites different portion of the specification (paragraph 0024, 0028, 0029 and 0045) of the publication to show the details of the interval criterion matrix. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Examiner interprets the limitation as the monitoring interval data wherein Fraenkel teaches an interval matrix (scheduler with different time 5 sec, 30 sec, etc.) having different monitoring interval for transaction processing and monitoring system wherein the transactions are monitored and the data are collected in a time interval that is configured or scheduled by a user (col 3, lines 1-43; lines 62-67 through col 4, lines 1-10; lines 46-62; col 25, lines 21-29).

ii. As to point (2), applicant supports his argument mentioning that any proper combination of Maso and Fraenkel fails to teach “teach including all of: a system level criterion, a transaction level criterion, a multi-transactional level criterion and a workload characteristic using a server”. Examiner respectfully disagrees with the applicant. Maso teaches a system level criterion and a workload characteristic using a server (par. 0089;

par. 0021, 0022, 0023) but does not specifically disclose criterion including a transaction level criterion, a multi-transactional level criterion. However Fraenkel teaches criterion including a transaction level criterion, a multi-transactional level criterion (col 18, table 1, "transactions", lines 22-25; col 31, lines 1-16; lines 30-33; lines 55-62). It would have been obvious to a person of ordinary skill in art at the time of invention was made to incorporate the teaching of Fraenkel into the method of Maso to have transaction including transaction level criterion, multi-transactional criterion. The modification would have been obvious because one of the ordinary skills of the art modify the teaching of Maso to include transaction level criterion, multi-transactional level criterion to have a better system performance measurement based on user preference and environmental needs.

Conclusion

48. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

49. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH AL KAWSAR whose telephone number is (571)270-3169. The examiner can normally be reached on 7:30am to 5:00pm, EST.

51. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai T. An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

52. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

/Abdullah-Al Kawsar/
Examiner, Art Unit 2195